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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,243	10/16/2001	Peter F. Reile	FSHR042/00US	2235

22903 7590 07/09/2003

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EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,243

Applicant(s)

REILE, PETER F.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second source includes a read only memory cartridge, an Internet site, and a second hand-held electronic toy (device) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 8-11, 13, and 17-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Berman '773.

4. Berman discloses a display (figure 2), a toolbar menu (figure 2) enabling a selection from a plurality of interactive tools that are included on the toolbar menu, an interactive tool (12) enable interaction with an activity that is displayed on the hand-held device, one or more of the plurality of interactive tools on the toolbar menu is based upon an identity of an activity that is displayed on the hand-held device as recited in claims 1 and 10; a memory for storing the

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activity displayed on the hand-held device as recited in claims 2 and 11; a removable memory cartridge (31) as recited in claims 3 and 11; a communication device for receiving data from a second source (column 11, lines 27-37) as recited in claims 4 and 13; a stylus (12) that enable a user to interact with the display and the stylus allows the user to select the interactive tools and the activates displayed on the display as recited in claims 8-9 and 17-18; receiving a selection of one of a plurality of activities for display on the hand-held device and upon selecting of an interactive tool included within a toolbar menu on the hand-held device determining an interactive tool characteristic based upon an identity of the selected activity (summary, at least) as recited in claim 19; determining a state of availability for the interactive tool as recited in claim 20; determining contents of a second menu of tool options for the selected interactive tool as recited in claim 21; retrieving an activity application from memory for display on the hand-held device and determining a characteristic of an interactive tool included on a toolbar menu disposed on the hand-held device based upon an identity of retrieved activity application (summary, at least) as recited in claim 22; determining a state of availability for the interactive tool as recited in claim 23; determining contents of a second menu of tool options for the selected interactive tool as recited in claim 24; displaying a first selectable item on the hand-held device wherein the first selectable item being associated with an activity capable of being displayed on the hand-held device, displaying a second selectable item on the hand-held device wherein the second selectable item being associated with an interactive tool having a characteristic in a first state, and upon receipt of a selection of the first selectable item on the hand-held device determining whether to modify a state of the characteristic of the interactive tool from the first state to a second state (summary, at least) as recited in claim 26; the

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characteristic is an availability and a menu of contents of the interactive tool as recited in claim 28.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5-7, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman '773 in view of Kono '694.

7. Berman discloses the claimed invention as discussed above except for the memory being removable memory cartridge as recited in claims 3, 5, 12, and 14.

Kono teach a detachable memory cartridge (21A in figure 7 and column 8, lines 32-41). By having a removable memory cartridge, one having ordinary skill in the art would be able to provide a wide variety of applications. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to modify Berman to include a removable memory cartridge as taught by Kono. To do so would allow a user the capability for a wide variety of applications.

Regarding claims 6-7 and 15-16, the particular communication devices used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific communication devices claimed versus the communication devices taught by the prior art.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

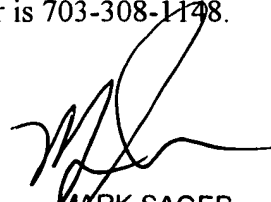
Capps `350, Ruberry `287, Scidensticker `012, Ohara `176, Bushmitch `762, and Dan `702 and `507 all discloses different types of personal digital assistants communicating with other devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1198.

APR
apr
July 2, 2003


MARK SAGER
PRIMARY EXAMINER